



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

August 17, 2012

CERTIFIED MAIL: 7008 1140 0002 2717 4503
RETURN RECEIPT REQUESTED

Messers William E. and William A. Robinson
Haynes
3572 Peppers Ferry Road
Wytheville, Virginia 24382

SUBJECT: Notice of Violation
Compliance Inspection Report
Haynes Septage Land Application Site
SLAS-03-04
Alleghany County

Dear Sirs:

On August 3, 2012, I, representing the State of North Carolina, Division of Waste Management Solid Waste Section, inspected the above referenced facility for compliance with North Carolina solid waste statutes and rules. Mr. Charlie Patton was present and represented Haynes during this inspection. The following violations were noted:

A. 15A NCAC 13B .0838(a)(18) states: *Approved nutrient management plans shall be followed.*

The approved Nutrient Management states that field #3 will be divided into sections in late-May/early-June and **late-August**/early-September by an electric fence to provide a site for application during the dormant period in which fields #1 and #2 cannot be used. The approved plan also states that the application area will remain fenced for 30 days after last application.

During the inspection, cows were observed on field #3 which was actively being used for septage application. Mr. Patton stated that was last applied to field #3 on July 31, 2012. No electric fence was observed on field #3 to prevent livestock from entering the portion of the field where septage was being applied. Therefore, the approved nutrient management plan was not being followed.

COMPLIANCE SCHEDULE

Based upon the foregoing, Haynes shall come into compliance with all requirements of the regulations in 15A NCAC 13B .0838(a)(18) by completing the following:

1. Immediately cease use of Field #3 as a septage land application site.
2. Within **30 days** of receipt of this Notice of Violation, bring the site into compliance with the nutrient management plan. This can include but not be limited to installing electric fences around the application area or moving livestock from the field while it is used for septage application.

Failure to comply with this schedule may subject the facility and/or all responsible parties to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions, please contact me at (704) 235-2144 or charles.gerstell@ncdenr.gov.

Sincerely,



Charles T. Gerstell
Environmental Senior Specialist
Solid Waste Section

Enclosure: Facility Compliance Inspection Report

Cc: Michael Scott, Section Chief
Tony Gallagher, Septage & Land Application Branch Head
Jason Watkins, Western District Supervisor
Becky Whetstone, Office Assistant, Septage & Land Application Branch